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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,)	Case No. SACR -JVS
Plaintiff,	}	
vs.	}	ORDER RE
	}	CRIMINAL TRIAL
	}	
	}	
Defendant(s)	}	
<hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/>		

The above matter is set for trial before the Honorable James V. Selna, Courtroom 10C, Ronald Reagan Federal Building, 411 W. Fourth Street, Santa Ana, CA 92701. All aspects of the preparation and trial of this matter shall be conducted with dignity and civility to all, whether in the court room or elsewhere.

FILINGS

1. All pleadings shall be served personally on opposing counsel or faxed to opposing counsel no later than 4:30 p.m. on the day of filing.

1 2. Counsel are ORDERED to serve conformed courtesy copies of all
2 motions, oppositions and replies directly to Chambers by 5:00 p.m. on the day of
3 filing.

4
5 3. Counsel are ORDERED to list their facsimile transmission
6 numbers along with their address and telephone numbers on all papers submitted
7 to the Court in order to facilitate communication by the Court.

8
9 **MOTION PRACTICE**

10
11 4. Memoranda of Points and Authorities in support of or in opposition
12 to motions shall not exceed 25 pages. Replies shall not exceed 12 pages. Only in
13 rare instances and for good cause shown will the Court grant an application to
14 extend these page limitations. No supplemental brief shall be filed without prior
15 leave of court. Typeface shall comply with Local Rule 11-3.1.1. (Civil). NOTE:
16 If Times Roman font is used, the size must be no less than 14; if Courier is used,
17 the size must be no less than 12. Footnotes shall be in typeface no less than one
18 size smaller than text size and shall be used sparingly. Filings which do not
19 conform to the Local Rules and this Order will not be considered.

20
21 5. Before filing any motion for discovery, a party shall consult with
22 opposing counsel to ascertain what discovery will be provided. Any discovery
23 motion shall state with particularity what is requested, the basis for such requested
24 production, whether such discovery has been formally requested, and whether such
25 discovery has been declined. Motions made without prior consultation with
26 opposing counsel or which fail to include the above information will not be heard.

1 **DISCOVERY & NOTICE**

2
3 6. Counsel for the government and counsel for defendant shall
4 comply promptly with discovery and notice pursuant to Fed. R. Crim. P. , Rules 12,
5 12.1, 12.2, 12.3, 15, and 16. Upon government counsel's discovery of any
6 evidence within the scope of Brady v. Maryland, 373 U.S. 83 (1963), such
7 evidence shall be produced forthwith to counsel for the defendant. Counsel for the
8 government shall also disclose to counsel for defendant the existence or non-
9 existence of: (1) evidence obtained by electronic surveillance; (2) testimony by a
10 government informer.

11
12 **TRIAL**

13
14 7. Counsel for the government shall file with the Court in camera
15 (under seal) all statements of all witnesses to be called by the government in its
16 case-in-chief. Such statements shall be filed at least five (5) calendar days before
17 trial.

18
19 8. Counsel shall arrive at the Courtroom promptly at 8:30 a.m. on the
20 first day of trial.

21
22 9. Counsel for the government shall present the Courtroom Deputy
23 with the following documents on the first day of trial:

- 24
25 a. THREE copies of the government's witness list.
26 b. THREE copies of the government's exhibit list in the form
27 specified in Local Rule 9.9 (Civil).
28

- 1 c. ALL of the government's exhibits, with official exhibit tags
2 attached and bearing the same number shown on the exhibit
3 list.

4 Defendant's counsel does not have to deliver his or her exhibits
5 to the Courtroom Deputy on the first day of trial; however,
6 Defendant's counsel is responsible for affixing completed
7 exhibit tags with the case name and case number to his or her
8 exhibits which are intended to be used in the defendant's case.
9 Exhibit tags can be obtained from the receptionist in the Clerk's
10 Office.

11 Exhibits shall be numbered 1, 2, 3, 4, etc., NOT 1.1, 1.50 etc.
12 If a blow up is an enlargement of an existing exhibit, it shall be
13 designated with the number of the original exhibit followed by
14 an "A".

15 Counsel for the government should be aware that the Court
16 will order that exhibits such as firearms, narcotics, etc., remain
17 in the custody of the agents during the pendency of the trial.
18 The agent will be required to sign the appropriate form in order
19 to take custody of such exhibits. It shall be the responsibility
20 of the agents to produce said items for court, secure them at
21 night and guard them at all times while in the courtroom.

- 22 d. A bench book containing a copy of all exhibits that can be
23 reproduced.

24 Each exhibit shall be tabbed with the exhibit number for easy
25 referral. Defendant's counsel shall provide the Court with a
26 copy of their exhibits as they are introduced during trial.

- 27 e. A floppy disk in WordPerfect 9 containing the exhibit list.
28

1 A copy of the exhibit list with all admitted exhibits will be
2 given to the jury during deliberations. Government and
3 defense counsel shall review and approve the exhibit list with
4 the Courtroom Deputy prior to it being given to the jury.
5

6 10. If counsel need to arrange for the installation of their own
7 additional equipment, such as video monitors, overhead projectors, etc., notify the
8 Courtroom Deputy no later than 4:30 p.m. two court days before trial so that the
9 necessary arrangements can be made.
10

11 11. At least four court days prior to trial, each counsel shall file with
12 the Clerk and serve on opposing counsel any special questions requested to be put
13 to prospective jurors on voir dire.
14

15 12. Trials commence on Tuesday at 8:30 a.m., with jury selection
16 beginning at 9:00 a.m., or as soon thereafter as possible. Trials are conducted
17 Tuesday through Friday from 9:00 a.m. to 4:30 p.m., with two fifteen (15) minute
18 breaks, and a lunch recess from 12:00 p.m. to 1:30 p.m.
19

20 13. Before trial commences, the Court will give counsel an
21 opportunity to discuss administrative matters and anticipated procedural or legal
22 issues. During the trial, if there are any matters you wish to discuss, please inform
23 my Courtroom Deputy.
24

25 14. The Court reserves the time from 8:30 a.m. to 9:00 a.m. to handle
26 legal and administrative matters outside of the presence of the jury. The trial
27 before the jury will commence promptly at 9:00 a.m. Counsel are urged to
28 anticipate matters which may need discussion or hearing outside of the presence

1 of the jury and to raise them during this period, during breaks or at the end of the
2 day. The Court places a high priority on making efficient use of jurors' time
3 during the trial day.

4 5 **JURY INSTRUCTIONS & VERDICT FORMS**

6
7 15. No later than one week before trial, jury instructions in the
8 form described below are to be submitted. Where possible, counsel are to use the
9 instructions from the Manual of Model Criminal Jury Instructions for the Ninth
10 Circuit, West Publishing, latest edition, modified, as necessary, to fit the facts of
11 the case (e.g., inserting names of defendant(s) to whom instruction applies). Where
12 language appears in brackets in the model instruction, counsel shall select the
13 appropriate text and eliminate the inapplicable bracketed text. Where no applicable
14 Ninth Circuit model instruction is available, counsel are directed to use the
15 instructions from O'Malley, Grenig & Lee (formerly Devitt, et al.), Federal Jury
16 Practice and Instructions, West Publishing Co., current edition. Counsel shall
17 include both general and substantive instructions. Counsel shall submit a 3½-
18 inch diskette, compatible with Word Perfect 8.0 or 9.0, containing the proposed
19 instructions and a "clean" set of such instructions, as set forth below.

20
21 16. The parties must submit JOINT jury instructions and a JOINT
22 proposed verdict form (if a special verdict is desired). In order to produce these
23 joint instructions, the parties shall meet and confer sufficiently in advance of the
24 required submission date with the goal of agreeing upon instructions and verdict
25 forms. The jury instructions shall be submitted as follows: 1) JOINT jury
26 instructions, those instructions which are agreed to by all parties; and 2)
27 DISPUTED jury instructions, those instructions propounded by a party to which
28 another party objects. Objections to disputed instructions shall be filed no later

1 than the Friday before the trial. Each requested jury instruction shall be numbered
2 and set forth in full on a separate page, citing the authority or source of the
3 requested instruction.

4
5 17. An index page shall accompany all jury instructions that are
6 submitted to the Court. The index page shall indicate the following:

- 7
8 a. The number of the instruction;
9 b. A brief title of the instruction;
10 c. The source of the instruction; and
11 d. The page number of the instruction.

12
13 **EXAMPLE:**

14 Number	Title	Source	Page Number
15 #1	Duty of the Jury	9th Cir. 1.01	1

16
17 **INSTRUCTIONS GOVERNING PROCEDURE DURING TRIAL**

18
19 18. Counsel shall not refer to their clients or any witness over 14
20 years of age by their first names during trial.

21
22 19. Do not discuss the law or argue the case in opening statements.

23
24 20. When objecting, state only that you are objecting and the legal
25 ground of the objection, e.g., hearsay, irrelevant, etc. Do not argue an objection
26 before the jury.

1 21. Do not approach the Courtroom Deputy or the witness box
2 without the Court's permission. Please return to the lectern when your purpose has
3 been accomplished. Do not enter the well of the Court without the Court's
4 permission.

5
6 22. Please rise when addressing the Court. In jury cases, please rise
7 when the jury enters or leaves the courtroom.

8
9 23. Address all remarks to the Court. Do not directly address the
10 Courtroom Deputy, the reporter or opposing counsel. If you wish to speak with
11 opposing counsel, ask permission to talk to counsel off the record. All requests for
12 the re-reading of questions or answers, or to have an exhibit placed in front of a
13 witness, shall be addressed to the Court.

14
15 24. Do not make an offer of stipulation unless you have conferred
16 with opposing counsel and reached an agreement. Any stipulation of fact will
17 require the defendant's personal concurrence and shall be submitted to the Court
18 in writing for approval. A proposed stipulation should be explained to him or her
19 in advance.

20
21 25. While court is in session, do not leave the counsel table to confer
22 with investigators, secretaries, or witnesses unless permission is granted in
23 advance.

24
25 26. When a party has more than one lawyer, only one may conduct
26 the examination of a given witness and only that same lawyer may handle
27 objections during the testimony of that witness.

1 27. If a witness was on the stand at a recess or adjournment, have the
2 witness back on the stand and ready to proceed when court resumes.

3
4 28. Do not run out of witnesses. If you are out of witnesses and there
5 is more than a brief delay, the Court may deem that you have rested.

6
7 29. The Court attempts to cooperate with doctors and other
8 professional witnesses and will, except in extraordinary circumstances,
9 accommodate them by permitting them to be put on out of sequence. Anticipate
10 any such possibility and discuss it with opposing counsel. If there is an objection,
11 confer with the Court in advance.

12
13 30. Counsel are advised to be on time; the Court starts promptly.

14
15 31. The Court thanks counsel in advance for their cooperation.

16
17 DATED:

18 _____
19 James V. Selna
20 United States District Judge
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